

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HIGHLANDS AT HIDDEN HILLS
CONDO ASSOCIATION,

Plaintiff,

vs.

GENERAL STAR INDEMNITY
COMPANY, A FOREIGN
CORPORATION,

Defendant.

Civil Action No.:

[Removal from the DeKalb County
Superior Court, Case No. 23CV4086]

**DEFENDANT GENERAL STAR INDEMNITY COMPANY’S NOTICE OF
REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, General Star Indemnity Company, a foreign corporation (“Defendant”), by and through counsel, hereby submits this Notice of Removal, showing the Court as follows:

PRELIMINARY STATEMENT

1. On April 21, 2023, Plaintiff Highlands at Hidden Hills Condo Association (“Plaintiff”) filed a Complaint in the Superior Court of DeKalb County, State of Georgia, styled: *Highlands at Hidden Hills Condo Association v. General Star Indemnity Company, a foreign corporation*, Civil Action File No. 23CV4086 (the “Lawsuit”). In the Lawsuit, Plaintiff, a Georgia citizen, has asserted a complaint

for breach of contract against Defendant, a citizen of Delaware and Connecticut, and seeks damages in excess of \$75,000, exclusive of interest and costs. Defendant removes the Lawsuit to this Court pursuant to 28 U.S.C. § 1441(a), because this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1).

REMOVAL IS PROPER

A. Removal Procedure

1. Defendant first received notice of the Lawsuit on April 28, 2023, when it was served with process, which included the Summons and Complaint.

2. This Notice of Removal is timely filed under 28 U.S.C. §1446(b), as it is filed within 30 days of when Defendant received the Summons and Complaint for the Lawsuit.

3. As required by 28 U.S.C. §1446(a), copies of all process, pleadings, orders, and other papers or exhibits served upon Defendant in the Superior Court action are attached hereto as “Exhibit 1.”

4. In compliance with 28 U.S.C. § 1446(d), Defendant will serve on Plaintiff and file with the Clerk of the Superior Court a written notice of the filing of this Notice of Removal, attaching a copy of this Notice of Removal.

B. Subject Matter Jurisdiction

6. Under 28 U.S.C. § 1441, any lawsuit over which a federal district court would have original jurisdiction, including diversity jurisdiction, may be removed by a defendant to the district court for the division embracing the place where such action is pending. 28 U.S.C. §§ 1441(a), (b).

7. This Court has subject matter jurisdiction over this action based on diversity jurisdiction. For diversity jurisdiction to exist, the amount in controversy must exceed \$75,000, exclusive of interest and costs, and there must be complete diversity between the parties. 28 U.S.C. § 1332(a).

8. Plaintiff is a Georgia corporation with its principal place of business in Georgia. (Complaint ¶ 1). Plaintiff is thus a citizen and resident of Georgia.

9. Defendant is an insurance company incorporated in the State of Delaware with its principal place of business in Connecticut. (Complaint, ¶ 2). Defendant is thus a resident and citizen of Delaware and Connecticut.

10. As Plaintiff is a citizen of Georgia and Defendant is a citizen of Delaware and Connecticut, complete diversity exists.

11. Plaintiff's Lawsuit seeks damages of \$1,340,066.73, which satisfies the amount in controversy required for diversity jurisdiction. (Complaint, ¶ 17).

12. Given that there is complete diversity between the parties and the amount in controversy is satisfied, diversity jurisdiction exists.

13. In accordance with 28 U.S.C. §§ 1441 and 1446, this action may be removed to this Court, as subject matter jurisdiction exists.

14. Additionally, under 28 U.S.C. § 1446(a), venue for this removal is proper in the Northern District of Georgia, Atlanta Division, because this is the district and division embracing the place where the state court action is pending.

WHEREFORE, Defendant prays that the Lawsuit now pending in the Superior Court of DeKalb County, State of Georgia, be removed therefrom to this Court.

Respectfully submitted this 25th day of May, 2023.

FIELDS HOWELL LLP

/s/ Tyler Bryant Walker

Paul L. Fields, Jr.

Georgia Bar No.: 003420

Tyler Bryant Walker

Georgia Bar No.: 250477

D. Reid Morelli

Georgia Bar No.: 630101

*Counsel for Defendant General Star
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CERTIFICATE OF COMPLIANCE

The undersigned counsel hereby certifies that the foregoing document has been prepared with a font and point selection (Times New Roman, 14 point) that is approved by the Court as indicated in Local Rule 5.1(C) and 7.1(D).

FIELDS HOWELL LLP

/s/ Tyler Bryant Walker

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*Counsel for Defendant General Star
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Defendant General Star Indemnity Company's Notice of Removal** on all parties, via electronic transmission and via United States mail with proper postage affixed thereto as follows:

J. Remington Huggins
Michael D. Turner
The Huggins Law Firm, LLC
110 Norcross Street
Roswell, GA 30075
Remington@lawhuggins.com
(770) 913-6229

This 25th day of May, 2023.

FIELDS HOWELL LLP

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